THE TRAVANCORE CIVIL PROCEDURE CODE AMENDMENT BILL.

(contd.)

MR. PUTHUPALLY S. KRISHNA PILLAI : As honourable members might remember, it was out of deference to the wishes of some of them that the consideration of the Bill was postponed yesterday. Sir, this morning I discussed the provisions of the Bill with several honourable members, and I find that many of them have serious objections to the changes brought forward by this Bill. I admit that the present Bill seeks to make drastic changes in the existing law.

MR. T. P. VELAYUDHAN PILLAI : Has the Legal Remembrancer satisfied himself that the amendments he now seeks to introduce do not contradict each other?

MR. PUTHUPALLY S. KRISHNA PILLAI : I am coming to that.

I realise Sir, that the matter requires further study ; new points have been brought to my notice. I therefore suggest that the Bill may be taken up at a future date.

PRESIDENT : You move that it may be taken up at the next meeting of the Assembly?

MR. PUTHUPALLY S. KRISHNA PILLAI : Yes, Sir.

The motion that the Bill may be postponed to the next meeting of the Assembly was put to vote and carried.

PRESIDENT : Under Standing Order 15 (1) debate on adjournment motions shall ordinarily begin at 3-30 P. M. Official business of this meeting is all over. Is it the sense of the House that we meet at 2 and begin discussion of the adjournment motion?

I take it that the House agrees to meet again at 2 P. M. for the adjournment motion to be moved by Mr. Sivathanu Pillai.

As it is, non-official business comes up only on Monday. It is for the House to decide whether they would have it to-morrow itself.

MR. PUTHUPALLY S. KRISHNA PILLAI : There is another adjournment motion posted for to-morrow.

PRESIDENT : It is entirely left to the House to decide.

MR. S. KRISHNA AIYAR : I would suggest that the original programme be adhered to.

PRESIDENT : So, to-morrow we meet at 3-30 p. m.

MR. PUTHUPALLY S. KRISHNA PILLAI : Do we have questions and answers to-morrow, Sir ?

PRESIDENT : I think we had better meet at 2 P. M., to-morrow, have some questions and answers, and then proceed straightway with the adjournment motion.

The House adjourned for lunch at 1-5 P. M., and reassembled at 2 P. M., the President presiding.

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MR. M. SIVATHANU PILLAI: Sir, I beg leave to move the following motion, namely that the business of the House be adjourned. This motion is intended to discuss a definite mat.er of urgent public importance, namely, the following :

In Nanjinad during the last Kanni crop of 1114 there were thousands of acres lying fallow for which taxes for Kanni are being collected by coercive steps on the ground that fallow remissions are not contemplated ; and lands are put up in auction.

This created great hardship and is causing great loss and suffering to the already suffering ryots of Nanjinad. Thus, the situation created deserves the serious notice of the House as also of the Government. In making this motion, Sir, I want the house to confine its attention particularly to Nanjinad for the reasons that I may refer to presently. This morning, Sir, there was notice of a motion regarding Puduval lands in Nanjinad, and the Chair ruled among other reasons that it was superfluous. I maintain, Sir, that my motion covers that aspect of the motion that was given notice of this morning. That may be found when we understand the reference in motion of the words "thousands of acres lying fallow in Nanjinad." Of course, in Nanjinad paddy lands go by different names, namely. the old ayacut lands, puduval conversions, rain-fed lands and garden lands. Of course, in this motion 'the paddy lands lying fallow in Nanjinad' covers all these four catgories. That is why I say I am one with the Chair in thinking ... .

PRESIDENT:—Order, order. That remark is out of order.

MR. M. SIVATHANU PILLAI: What I mean to submit, Sir, is this, The motion covers all the different kinds of lands in Nanjinad, including Puduval conversions.

As I said at the very outset, there is a peculiarity about Nanjinad so as to justify the attention of the House being confined to Nanjinad at the present moment. I may say in justification of my position that Nanjinad is peculiarly treated in respect of the assessment on paddy lands and the tax thereon. However much it may be disputed by way of academic discussion, it has got to be borne in mind that it has been accepted more than once by the authorities concerned that Nanjinad is the most heavily taxed tract in the whole of Travancore. It is also borne out by record, namely the Kodayar Project Papers, that the average taxation per acre is Rs. 20-15 ch. whereas any land record concerning the neighbouring district of Tinnevelly will show that the average tax there is Bh. Rs. 10-1 a. It may in this connection be recalled by this honourable House that in the Madras Presidency in British India figures were taken for determining the district-war average taxation and it was found that the Tinnevelly district was the most heavily taxed of all districts in the Madras Presidency and in that district the average was found to be Rs. 10-1 a. But in Nanjinad it has been published for the information of the public in the Kodayar Project Papers that the average taxation is Rs. 20-15 ch. Thus, it will

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be clear why I maintain that Nanjinad is peculiarly treated by Government, that it is heavily taxed and that the heavy taxation is allowed to continue, in spite of repeated representations.

Of course, the question has been agitated upon for the last forty years. It was presented and discussed both before the old Sri Mulam Popular Assembly and the old Legislative Council and the agitation is not wanting in this reformed legislature to rectify the error committed by the executive in the matter of commuting marakal into para measure for the purpose of assessing Nanjinad lands. Of course, it may be Greek to most of the honourable members here when I say that the executive committed a grievous blunder. Because most of the honourable members do not know it nor do they care to know it. But the executive in answer to agitation shirk the issue. The Nanjinad ryots are simply asked to wait till the next settlement. In other words, they impliedly accept the error committed by the executive in the matter of the commutation but they are not prepared to face the issue plainly. They shirk the issue by saying—You wait till the next settlement. Sir, this answer was challenged by me in the last session when I stated that by the time the settlement operations are begun the fate of the present Nanjinad ryots would be pre-settled. There is absolutely no exaggeration when I say this, for if they are to wait till the next settlement they will be nowhere, they will all be wiped out as ryots though they may be having their bodily existence in a half starved condition. I am glad to say, Sir, that the Government, particularly when it happened to be administered by no less a person than Sir C. P. Ramaswami Aiyar, understood the real position in respect of the taxation of Nanjinad. He was the first as the responsible head of the administration to declare openly and that too authoritatively that the question deserves looking into. It is with great pleasure that I say this. When this matter was represented by me before the previous heads of administration, one and all of them accepted in private discussion that the situation required looking into; but never admitted it in open pronouncements.

PRESIDENT: Order, order. Comparisons are invidious and may be avoided.

MR. M. SIVATHANU PILLAI: I am only tracing the history of the treatment meted out by the successive heads of the administration. It was clear to me that though what we contend in private conversation has been admitted to be a matter fit to be acted upon, the answer in public has invariably been that the question cannot be looked into unless the settlement operations are begun. So it was with very great pleasure that we received the authoritative pronouncement made in the year 1112 by Sir C. P. Ramaswami Aiyar, Dewan, that this question deserves looking into. In perfect consonance with that announcement, the Government was pleased to appoint recently a special officer to go into the question and report. I understand, Sir, that the special officer has already submitted his report to Government and from the answer

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given on the floor of the House yesterday by the Land Revenue Commissioner in reply to an interpellation I understand that that report is being considered by the Government. I do not know how long the Government will take to consider the report and pass orders on it. The ryots of Nanjinad are looking forward with very great expectation to the orders of Government on the report. It is with pleasure that they hear that the report has been very favourable. Let me satisfy myself by thinking about in this House that the report will be acted upon not by the very letter but in the very spirit with which the report has been called for, *i. e.* with a liberality characteristic of the Dewan. Sir, it is no wonder why the ryots are looking forward eagerly to the decision on the report, because it will give great relief to the extent of at least 20 per cent. remission permanently.

PRESIDENT: The honourable member seems to know a great deal about the report.

MR. M. SIVATHANU PILLAI: Yes, Sir, by intuition. After all, we are all very anxious to know about the report. We can understand that it is a very favourable report. For, is it not also true that at least when a man is about to retire he will desire that he should be remembered with kindness and good will by the people. That is the psychology of the human mind. I do not think Mr. George, the author of this report, will prove an exception to this. So Dame Rumour plus a correct study of the human psychology made me believe that the report is favourable. Perhaps I may even anticipate the kindness of Government that favourable orders will be passed upon the report. I am always very optimistic. I have always got a very robust optimism. Even if the report be not in perfect unison with our great expectations, it may be with us likely in certain very important aspects; but all the same I always wish and believe it to be for us; because I have great faith in the sense of justice of our cause and in the goodness of the author of the report. That is why I take it that the report is favourable and I hope and wish that the report will be acted upon with utmost favour by Government and the decision on the report will be announced in this Assembly before this session closes.

The third reason why Nanjinad should be treated with particular favour is that practically there is no other occupation for the ryots of Nanjinad. They have no other income than from paddy lands. I was rather surprised to hear the Land Revenue Commissioner say yesterday on the floor of the House in reply to an interpellation of mine as to how he justified the action of his department in collecting taxes on lands which were lying fallow, "Let them pay from the previous year's income." Of course, it was very easily said with a certain amount of refreshing candour. I ask him "Will he be satisfied in these days of economic depression if his pay for the next month is cut off and he is

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asked to go on with his pay for the current month?" (*A member*: "*Hear, Hear.*") I may say, Sir, that we, particularly the Nanjinad people, are prepared always to contribute the legitimate dues to the Government, but at the same time we have a right to ask Government to do the right thing by us. We are always keenly aware of our duty to the Government. We recognise our duty first and then our claim for rights. Even as the Land Revenue Commissioner said, we are prepared to pay from the previous year's income if there is that income and unfortunately the Revenue Commissioner has not got the heart to feel for the poor suffering ryot. It has been said that the present Revenue Commissioner is over-kind to the ryots of Nanjinad, but as a matter of fact, yesterday's answer will give the index of his own mind. I ask the Land Revenue Commissioner this simple question, whether he is really justified by facts to imagine that there is income for the Nanjinad ryots. I can refer him very safely to the action taken by Government in the matter of reduction of tax in the years 1108, 1110 1111, 1112, and 1113. This year the Government have been repeatedly shown that the ryots are really suffering. Even a reference to the table of the Kodayar Reservoir readings for the last few years will make it quite plain whether there is plenty of water or not. In normal times too, of course, figures are not wanting to prove that there is not enough water to supply. Such being the case, I do not understand how the Land Revenue Commissioner was justified in giving the answer that the Nanjinad ryots may be asked to pay the tax on lands lying fallow from the income of the previous season, when seasons are admitted to be failing successively.

My fourth reason is this. When I was going over here to attend the present session, on the way I was looking at the board in front of the office of the Division Officer, Nagercoil, and the reading was only 3·25 in Pachi Para Dam while normally at this time of the year the reading should be between 20 and 25. If that be the reading, I ask you, Sir, to project your mind a little bit behind and see what would have been the reading during the Kanni cultivation as referred to in this motion. Soon after the month of Thulam is over, the fields in Nanjinad require a good deal of water for flushing for wet cultivation as opposed to the Kanni cultivation, the dry cultivation. During the last Kanni thousands of acres had to lie fallow because there was no rain and there was no possibility of getting water to irrigate such lands. The difficulty arises in this way. Sir, as I said before, in Nanjinad there are different classifications of lands. It was once thought that the Kodayar Project soon after it was finished will be a Kamadhenu. That is why it was always thought that all ayacut lands will never fail for want of water and that is why there was no thought of paddy lands coming under ayacut lands lying fallow at all. That is why the rules did not provide for fallow remissions in regard to ayacut lands or even for lands under the commanded area. So, when thousands of acres of land had to be left uncultivated for want of water there were as usual applications made before the Taluk Cutcherry and the Pakuthy Cutcherries asking the authorities concerned to come and inspect the lands lying fallow and make their report saying that the lands were

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lying fallow. But they said that the rules did not provide for the inspection of lands lying fallow especially in the commanded area and so the proverthicar or the accountant or other officer empowered to make the inspection and submit a report was helpless in the matter. There were numerous applications from the ryots to the taluk and pakuthy cutcherries to say that there were lands in the commanded area of the Kodayar Project lying fallow. But the taluk as well as the pakuthy authorities kept quiet because they said that there was no enabling provision in the remission rules for Tharisu *i. e.* fallow lands. That was a terrible handicap, so much so that in the two taluks of Tovala and Agastiswaram you will find numerous applications for fallow remissions, which have not been even looked into. Now, Sir, I realise the difficulty at this time of the year to find out whether the lands as reported by the ryots were really lying fallow at the time of the Kanni crop. At least there are applications still in the pakuthy and taluk cutcherries and they have got to be relied upon without making any enquiry because the Kumbhom crop has already been raised and harvested. But I want to know the justification for saying that because there is no provision in the rules the ryots should pay for lands which had to be left fallow for want of water. The rules are intended to cover certain situations. In those days, it was never contemplated that the supply of water from the Kodayar Project would fail and that the lands commanded by the Project would have to be left fallow. But those days have changed. There has been repeated failure of rain in and around the hills surrounding the Pechipara Reservoir and the lands were actually lying fallow. When that is the case, why should we not now change the rule? Why should not the Government act if they find that these lands are lying fallow? Why should not Government allow remission if they find a particular land lying fallow? In 1111 nearly 24 to 25 thousand acres of land were lying fallow. Of course that was represented to the Government and the authorities also were informed by means of petitions by the ryots that their lands had been lying fallow for so many months for want of water. Not only that; the irrigation authorities notified their intention to the Government to cut off irrigating 25,000 acres because there was not sufficient water for irrigating those lands. Naturally the ryots being apprised of the condition of the reservoir could not and did not cultivate. But towards the close of the year, the legal operations to realise tax from even those lands which were notified to have been cut off from the supply of water from the Kodayar Project, went on merrily. When representation was made to Government, what was the answer given by Government? I do not know what argues from that answer, *viz.*, "Look here, we gave you the advice not to cultivate the land. The result is that you do not even stand to lose as otherwise you would have lost in case you had cultivated the land. At least for the advice that we gave, we are entitled to realise the tax from the lands lying fallow. In other words, this is remuneration for giving you advice." That was actually the answer given on the floor of the House. Accordingly they collected the entire

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tax from lands that lay fallow for that season. We repeatedly represented this matter to Government and His Gracious Highness went over to South Travancore and as goodness would have it and as our good fortune would have it too there was a good shower continuously for ten days when His Highness was staying at the Cape. Then in all his solicitude as is proverbial always with His Highness he gave us by way of gift Rs. 24,000. That is the justification I say for this motion. Lands have been lying fallow but kist collection is going on merrily from those lands. Lands are being put to auction. Where am I to go and find out the money for paying the kist? That is the justification for this motion of mine. So, I would say, let not the rules stand in the way of the Government looking into the matter and giving redress to the ryots whenever there is justification. It is accepted by the Department that lands to the extent of 3 to 4 thousand acres were lying fallow in Nanjinad during the last Kanni crop. Whatever be the exact extent of land lying fallow, the fact is there that not only converted lands, not only rainfed lands but also lands under the commanded area and ayacut lands were lying fallow for want of irrigation water. The question then is how to find out the acreage. At this late hour certainly it is not possible to find the truth of the statement that so many thousands of acres were lying fallow. But there are applications made before the local authorities to say that particular lands with particular survey numbers were lying fallow during the last Kanni crop and a reference to the irrigation authorities will show that particular areas were not cultivated. These two things put together will convince any man as to the extent of land lying fallow. Perhaps it may not convince the Land Revenue Commissioner. Sir, in order to avoid repeated representations of this nature from the people with regard to granting of full remission for lands lying fallow not only of water tax but also of land tax, I say that the remission rules should be revised to include Tharisu remissions—fallow remissions. How do Government justify their action in demanding water cess in Agastiswaram Taluk? Even in normal times the water there may not be sufficient. But by some means or other the ryots were able to raise cultivation. Even in that case I can understand the demand for water cess. But they do not supply water. Let alone the tail-end lands. When there is no possibility of supplying water what is the justification for Government to ask water cess? Sir, the only course is for the Government to modify the remission rules which should cover tarisu as well as karivu. Of course in 1112 there was an attempt to modify the rules; but I must say, Sir, with deep regret that what was given to us by the right hand when lands became dry (karivu) was sought to be taken away by the left hand when tarisu was also included. Government said that under rule 7 under the modified rules this remission cannot be claimed as a matter of right while in respect of karivu it was so before. That is only a matter of discretion on the part of Government and it does not give any right to the ryot to demand *ipso facto* when the lands become dry or fallow, any remission. So, what I would submit for the consideration of the House is that the rules have got to be modified to cove

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not only karivu and tarisu but also in such cases the ryots should be given the right to demand of the Government full remission when the lands lie fallow or when the crops wither away. That rule has to be modified effectively and placed before a committee of the representatives of the Taluk concerned and the authorities of the Department concerned before final orders are passed.

PRESIDENT: Order, order. The honourable member may bring his remarks to a close.

MR. M. SIVATHANU PILLAI: In winding up my remarks in respect of this motion, I would submit that there are records before the Taluk authorities. The Land Revenue Commissioner can call for those records to see which of the lands were lying fallow during the last Kanni crop and the Government have got full power to remit the tax if they are satisfied that the lands have really been lying fallow. Government have not got the least justification to command in such cases the payment of water cess and land tax by the ryots. With these words I commend the motion for the acceptance of the House.

MR. K. NARAYANAPERUMAL NADAR: Sir, although my adjournment motion was identical with this motion, it was disallowed. It differed slightly only in some respects. A careful reading of my motion will show that I did not ask anything different from the present motion. My motion was "The situation created among the puduval cultivators of the area commanded by the Kodayar Project, owing to the coercive process.....

PRESIDENT: That motion has been ruled out of order. The member is not justified in dealing with it.

MR. K. NARAYANAPERUMAL NADAR: Am I asked to support it?

PRESIDENT: You cannot canvass the ruling of the Chair. You can read through your motion, re-read it and may comment upon it.

MR. K. NARAYANAPERUMAL NADAR: "The situation created among the Puduval Cultivators of the area, commanded by the Kodayar Project, owing to the coercive process recently adopted for realising water tax for 1113, though a large portion of the said area remained fallow (tharisu)." Sir, it is a fact known to the public and to the Government that in 1113 more than 80 per cent of the puduval lands had been made to lie fallow because of the scarcity of water. If I can convince this House that the supply of water in the dam was restricted by the P. W. D., I think my point is gained. I am sure I can convince this House and say that the supply of water was restricted by the P. W. D. Interpellation No. 186 regarding the opening and closing of the L.B.C. was answered by the Chief Engineer on the 15th Karkadagam 1113 as follows:—

> "In view of the very serious condition at present, on account of the want of rain and also in view of the present low reading of 3 80 inches in the Kodyar Reservoir, this evening, which by itself is sufficient to irrigate up to fall field, only about 1500 acres of the

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> Ayacut this Conference (on 6th 1938) resolves that the first supply of water may be given to the maximum of about 18000 acres in the upper reaches of the channels, as it is not possible to bring the same to the tail end lands".

Now, Sir, the puduval cultivators prayed for tharisu remission. The Land Revenue Commissioner says "you cannot claim tharisu remission as a right." That was what he said during his recent visit to South Travancore. He visited pakuthi cutcherries and met the cultivators in those pakuthies that approached him. He gave lectures to those people and answered some of their questions. Only some questions were satisfactorily answered. In this respect he set a happy precedent to his successors. He said you cannot blame me. There is no rule to allow fallow remission for puduval lands. But there is no justification for that rule. Some 20 or 25 years ago the Kodayar Dam was sufficicient to irrigate all the lands that were earmarked by the Kodayar Project. But for the last 10 or 15 years it is uniformly observed that water is not sufficient to irrigate even the ayacut lands. When the Government thought that water will be sufficient to irrigate all the lands, they are in a way justified in having framed such a rule. If there was not such a rule many people would have allowed their lands to remain fallow. So a tax should be realised from those lands. It is now found that water will not be sufficient. Therefore it is high time for the Government to modify the rules. There is still such a rule. It is not my fault. It is not the fault of the Government. It is the fault of those who preceded me. That was what he said. Then I had to explain the whole matter to him I said that the existence of the rule is not the fault of the people. Even as a matter of concession I claimed full remission for the puduval lands for 1113. Then he said that he had no power to give remission and that he would recommend to Government for granting full remission. I do not know what he is going to say now. Perhaps, it may be argued that the full remission may be put off till the financial situation of the country improves. I do not ask remission for the whole State. I do not ask full remission for even one-third of the lands in Travancore. I want remission only for puduval lands commanded by the Kodayar Project. I do not want remission for all the puduval lands. I want remission only for such of those lands as have not been cultivated for want of water. In these days of hard depression it is the duty of the Government to help the peasants or it will be like killing the goose that lays the golden egg. The lot of the peasants can be described in the words of a great poet, I think it is Thomas Gray, as follows :—

> "But knowledge to their eyes her ample page
> Rich with the spoils of time did never unroll
> Chill penury repressed their noble rage
> And froze the genial current of the Soul".

With these words, I support the motion.

MR. C. JEBAMONY NADAR : I support the motion and wish to say a few words as the mover has confined the motion to Nanjinad alone. As the area commanded by the Kodayar Project extends to the three taluks of Thovala, Agastiswaram and Kalkulam what is applicable to

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one is equally applicable to the other. If any area in Nanjinad was not supplied with water it was so with reference to Agastiswaram and Kalkulam as well. It is a fact that certain branch channels in Kalkulam, namely, Colachel, Cheramangalam Major and Minor and Muttam channels, were not supplied with water for the Kanni crop of 1114. Though the honourable member Mr. Sivathanu Pillai complains of high taxation in Nanjinad it is no better in Kalkulam and Agastiswaram, because this House is aware that there is a large area of converted lands in these two taluks which before conversion were subject to tree tax as well as land tax. The trees had to be cut down long ago when the lands were converted. Yet we have to pay tax for these trees which have ceased to exist and therefore ceased to yield any produce. Similarly, since conversion, we cannot raise any dry cultivation but land tax also is being realised. Over and above these, water cess has been imposed at the rate of Rs. 7 per acre. Thus it is really a case of treble taxation. The rainfall in the locality is usually low for the last four years. It is considerably below the normal. The difficulty experienced by the ryots of the locality would be made clear by a reference to the answer to one of my questions to-day. Colachel block area 438 acres; tanks 3; distance from Pachipara reservoir-37 miles; Cheramangalam major: area-259 acres; tanks-nil; distance from reservoir: 37½ miles. Cheramangalam minor area 229 acres; tanks nil; distance from reservoir 37½ miles. Just imagine a tank in Trivandrum and a paddy field in Quilon to be fed by that tank. Is it easy? This is one of our various difficulties.

In spite of all these difficulties the Remission Rules do not provide for tharisu remission to Kalkulam and Agastiswaram but only to certain pakuthies of Thovala. Why there should be this differential treatment to different portions of the same commanded area is not clear. Probably the officers who were responsible for the framing of the rules were not aware of the local conditions and very likely they did not take into consideration the change brought about by the Project within its area. During the last budget session I tabled a token cut on this matter. But it did not come up for discussion. I have also sent an interpellation to invite the attention of the Government to this aspect.

For the Kanni crop of 1114 we were subjected to a further loss by way of application fees required for remission petitions. But all the applications were summarily rejected saying that they were not permitted by the rules. There is no provision for refund of this fees. It is therefore nothing but reasonable that the rules should be amended. Recently, resolutions to this effect were passed at a meeting held in Colachel. I believe that they would have, by this time, reached the Government.

In the matter of revising the rules they should be so amended as to be applicable to the whole State, both to the North and to the South. If lands lie fallow in the South for want of water, the same thing might happen in the North owing to excess of water. It would be only fair that the same rule applies to the whole State.

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It has been said that tharisu remissions are only a matter of grace and not of right. I hope and believe that the rules would be amended at an early date so that fallow remission may be granted as a matter of right. Until that is done, relief for the Kanni crop of 1114 cannot be delayed. A friend of mine told me that it took nearly one hour for a certain Deputy Tahsildar to sign the demand notices issued on a day. That indicates the number of them issued. I appeal to the Government to suspend the issue of demand notices and the coercive steps taken under them until they finally dispose of the question. Immediate orders are called for because people in that part of the country are really starving not to speak of the appalling economic depression and all the consequences due to the failure of seasonal rains for the last four years. In supporting the motion I must also include the lands outside the commanded area in the four southern taluks. I understand that the localities unsupplied with water within the commanded area could be ascertained from the records maintained by the Engineering Department. For those outside if the Tahsildars are so minded they could readily supply the information. I earnestly press for full remission of tax and water cess for the Kanni crop of 1114 for all the four taluks of Tovala, Agastiswaram, Kalkulam and Vilavankod.

If the remission rules are to be applied they must be applied to all parts of Travancore. Somehow or other they are confined to certain taluks like Tovala and Agasteeswaram. It may be due to the operation of the Kodayar Project. Probably it was not known to the authorities then that times may come when it would be impossible for other taluks also to raise crops for want of water. I moved a token cut in the last Budget Session of the Assembly but unfortunately it was not carried. As matters stand at present, as has been expressed by some members of this House it is more or less a matter of grace on the part of the Government and not a matter of right to grant remissions. So, I hope and believe that the benefit of the remission rules will be given not only to South Travancore but also to those taluks of North Travancore where the need is great. In South Travancore there is want of water and in North Travancore there is excess of water which stand against raising of crops.

In the case of South Travancore want of water is very keenly felt at present. People are not able to raise crops and thereby they cannot pay tax to Government. One responsible officer told me that it took him nearly an hour to sign demand notices to the defaulting ryots. This shows the extent of poverty in South Travancore which is mainly due to the fact that cultivators were not able to raise crops. With these words I support the motion.

MR. T. C. KESAVA PILLAI: Sir, in the first place I beg of you to permit me to speak in English.

PRESIDENT: Permission is given.

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MR. T. C. KESAVA PILLAI: Sir, I have to place a few suggestions in addition to what my predecessors have already submitted before this Assembly. For the last three years repeated petitions and memorials have been submitted to Government on this matter from outside this House as well as inside. Again in almost all the sessions this cry for remission was made in this House.

MR. K. NARAYANAPERUMAL NADAR: Sir, on a point of order. The member was speaking in Malayalam hitherto in the House. There is a standing order to the effect that when a member has chosen a particular language, English, Tamil, Malayalam or Telugu he must stick to it in future.

PRESIDENT: Will the honourable member refer me to the rules?

MR. K. NARAYANAPERUMAL NADAR: There is such a rule, I am sure, Sir.

PRESIDENT: This is the Rule: "The business of the Legislature shall be transacted in English provided that the President may permit any member to address the Chamber in Malayalam or Tamil." Therefore, in speaking in English he is following the rule. When I permit him to speak in Malayalam I am giving him special permission.

MR. T. C. KESAVA PILLAI; Sir, it is 200 years since the different parts of our State came under one sovereign. Then there was no uniformity so far as taxation was concerned. Now as regards remissions, there were repeated requests to Government that the remission rules should be amended and the following items inserted. That is, fallow remissions, Karivu remissions, and Azhikichetham remissions should be given. This will be applicable to the whole State.

Famine is a constant trouble to the agriculturists. What is the cause for this constant trouble? That is due to the scarcity of water. If our present Chief Engineer would like to peruse the important Kodayar Papers he would very well see therein very many valuable suggestions for the supply of irrigation water.

I think, Sir, there is a proposal now to build a dam at Perumcherri. The catchment area of the reservoir is 60 square miles and there is 90" of rain there. So, the learned Chief Engineer would certainly depute one of his best Engineers to execute the work.

Now good drinking water and water for agricultural purposes can be obtained by diverting the course of the Thambravarni River at Thriparapu. The water at present is wasted into the sea. One particular Engineer whose name can be written in golden letters is Mr. Horsly who had drawn up a scheme for this purpose.

Our President, when he visited South Travancore, gave us hope by saying that the tanks will be connected by suitable channels to take water to all the parts. The existing tanks in most of the taluks are in a very bad condition. In the southern taluks people have given up the cultivation of paddy and instead they cultivate tapioca in the fields.

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In the whole state there are thousands of irrigation tanks. If Rs. 500 were to be spent for each tank it will go a great way in solving the problem of water scarcity.

As I have tabled another adjournment motion regarding the scarcity of water in my constituency I do not propose to say much of those two taluks. But I say all the benefit that is to be conferred on Nanjinad should also be given to Kalkulam as it is a part of Nanjinad. To supply water to the whole of Nanjinad area it is imperative to increase the storage capacity of the reservoir. In former days the water in the reservoir was sufficient for the ryots. But now the cultivable lands have increased in area and so the water is insufficient along with the drought.

Then there is another method by which water can be supplied to the ryots. This is by means of tube wells. I had personal experience of tube wells being run to 50 ft. But I saw water at the 35th ft. and at the 40th ft. At the 40th ft. there was an overflow of good spring water. If the Chief Engineer would try these tube wells on the Kodayar hills he would find that there are ever so many underground springs there. I have myself seen that if a pipe is bored down 200 ft. we get water at the 40th ft. to overflow. Boomadevi is always ready to give good water to the needy if they are prepared to take it. With these words I support the motion.

But before closing I would also request the Government that fallow remissions should be given to the ryots of Kalkulam and Vilavankod. I am in the belief that a responsible officer in the State will not tell a lie. But the learned Land Revenue Commissioner told the House that he did not receive any representation from the ryots in regard to the remission of tax. But it was I who presided over an Association which sent resolutions to Government to this effect. I had myself sent petitions to him which he had not the mentality to accept. There is no rule for remission of fallow lands. So I would strongly and emphatically pray to Government and move this Assembly that in future Government officers should be made to respond to the representations of the people. I hope that everything substantial will be done to alleviate the distress of the ryots of South Travancore whose welfare is always in the mind of His Gracious Highness the Maharaja and of his trusted minister Sachivottama Sir C. P. Ramaswami Aiyar.

MR. S CHATTANATHA KARAYALAR : Sir, I desire to make a few observations in support of the motion before this House. I am in perfect sympathy with the object of the motion. The honourable mover and the members who spoke in support of the motion have emphasised three points in respect of the difficulties of the ryots of Nanjinad. They emphasised that the general level of taxation was very high. They also said that large tracts of cultivable lands were lying waste for want of an adequate supply of water. They also brought to the notice of this House that water cess was being collected from areas which were supplied with water. They also brought to the notice

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Mr. S. Chattanatha Karayalar.]

of the Government that their difficulties were further enhanced by reason of the error that crept in the matter of conversion of *marakkal* into *para* for assessment. I can appreciate the difficulties confronting the taluks which are thus affected and I particularly appreciate them, because conditions in my own taluk of Shencottah are more or less similar to those that obtain in Nanjinad. All these difficulties are prevalent in my taluk. That is the special reason why the motion appeals to me. I have got to bring to the notice of the Government that vast areas of cultivable ayacut land in Shencotta Taluk are lying fallow year after year and, I believe, that the ryots of the taluk have year after year brought the same to the notice of the Government and I am very glad to note that Government have been granting remissions year after year. I refer particularly to the vast areas lying fallow in Samburvadagarai and Aykudi pakuthies.

I am mentioning this fact because, if these areas are frequently subject to these difficulties, if they are allowed to lie fallow year after year, Government will be confronted with the question of remission every now and then. I therefore ask Government whether it will not be in the best interests of the ryots to amend the tharisu remission rules, so that lands which in fact have been lying fallow for several years may be brought within the scope of the rules relating to tharisu remission. I may suggest that, even without serious amendments being made to the rules, the schedule attached to the tharisu remission rules may be suitably amended to cover areas which have been in experience found to be suffering from these difficulties. That is the fact which I want to bring to the attention of this House and the Government. I also draw the pointed attention of the Land Revenue Commissioner to this aspect of the matter.

Another point which I wish to emphasise is the difficulty that was experienced by the Nanjinad ryots in respect of the water cess collection. Water cess is a levy made for a specific purpose or for certain service rendered, If that service is not available, the levy ought to be cancelled. That is a point which the Government should very seriously consider and rectify. With these observations and with the additional suggestion that, if and when the question of remission of the tharisu lands comes up the case of Shencottah taluk should receive adequate consideration at the hands of the Government I support the motion.

MR. D. FRANCIS (*Kalkulam* cum *Vilavancode*): ஸர், ஆணைதில் மெம்பர் மிஸ்டர், சிவதாணுபிள்ளை கொண்டுவந்த பிரேமேயத்தை நான் அனுகூலிக்கிறேன். தரிசு நிலங்களுக்குக் கரம் வசூல் செய்யக் கூடாது என்கிற தர்க்கம் கடந்த 5 வருஷங்களாக சட்ட சபைகளிலும் அர்ஜிகள் மூகாந்திரமும் கடந்துகொண்டேயிருக்கிறது. ஆனால் இது வரையிலும் ஒரு நிவர்த்தியும் உண்டாகவில்லை. தென்திருவிதாங்கூரில், தோவாளை, அகஸ்தீஸ்வரம், கல்குளம், விளவங்கோடு என்னும் நான்கு தாலூகாக்களிலும்....

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